

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUN MICROSYSTEMS, INC.,

No. C-07-05488 EDL

Plaintiff,

v.

**ORDER REGARDING NOVEMBER 18,
2009 JOINT LETTER BRIEF**

NETWORK APPLIANCE, INC.,

Defendant.

On November 18, 2009, the parties submitted a joint letter brief from the parties regarding a dispute over Sun's demand for a 30(b)(6) witness to testify about NetApp's first offer for sale of products that practice the '720 patent. Having considered the parties' arguments, the Court finds that further briefing on the issue is required. Therefore the Court orders the parties to file a joint brief of no more than four pages per side within ten (10) days of the date of this Order further explaining their respective positions. The Court notes that the parties' arguments regarding the scope of Mr. Hitz's deposition testimony and whether or not the Hitachi agreement was an offer for sale or sale of a product embodying the '720 patent are particularly unclear, and requests that the parties address these topics in the brief.

IT IS SO ORDERED.

Dated: November 20, 2009

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge